

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Jose Eugebio Garcia-Jacobo, ) Case No. **17-423 MJ**A208 563 112 )Defendant )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

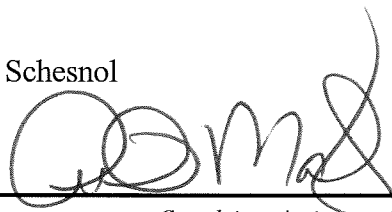
On or about the date of September 27, 2017, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2), a class B misdemeanor, an offense described as follows:

**See Attachment A Incorporated By Reference Herein**

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

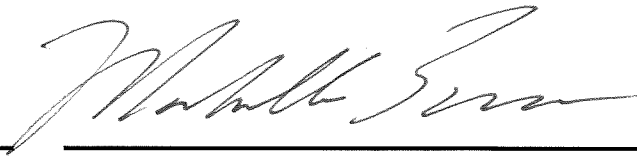
This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**REVIEWED BY: **CEB** Charles E. Bailey Jr., P.S. for AUSA Jacqueline Schesnol☒ Continued on the attached sheet.

  
 Complainant's signature  
 Albert A. Martinez  
 U.S. Border Patrol Agent  
 Printed name and title

Reviewed, approved, and signed in person.

Date: September 28, 2017

  
 Judge's signature  
 Michelle H. Burns  
 United States Magistrate Judge  
 Printed name and title

City and state: Phoenix, AZ

Michelle H. Burns  
 United States Magistrate Judge  
 Printed name and title

**ATTACHMENT A**

**Count 1**

On or about September 27, 2017, Jose Eugebio Garcia-Jacobo, an alien, was found in the United States of America at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about November 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

**Count 2**

On or about September 27, 2017, at or near Casa Grande, in the District of Arizona, Jose Eugebio Garcia-Jacobo, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

### **STATEMENT OF PROBABLE CAUSE**

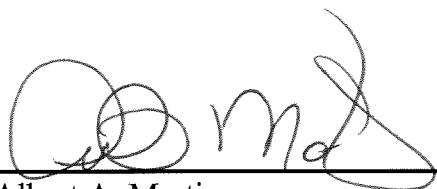
I, Albert A. Martinez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 27, 2017, Border Patrol Agents R. Gantt and M. Campos encountered an individual near Casa Grande, in the District of Arizona. The agents identified themselves as Border Patrol agents and performed an immigration inspection on the individual. The individual, later identified as Jose Eugebio Garcia-Jacobo, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Garcia-Jacobo was transported to the Casa Grande Border Patrol Station for further processing. Garcia-Jacobo was held in administrative custody until his identity could be confirmed along with his immigration and criminal history.
3. Immigration history checks revealed Jose Eugebio Garcia-Jacobo to be a citizen of Mexico and a previously deported alien. Garcia-Jacobo was removed from the United States to Mexico through Calexico, California, on or about November 29, 2015, pursuant to a removal order issued by an immigration official. There is no record of

Garcia-Jacobo in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal.

4. Furthermore, there is no record of Garcia-Jacobo in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Garcia-Jacobo presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Garcia-Jacobo entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Garcia-Jacobo's immigration history was matched to him by electronic fingerprint comparison.
5. On or about September 28, 2017, Jose Eugebio Garcia-Jacobo was advised of his constitutional rights. Garcia-Jacobo freely and willingly acknowledged his rights and agreed to answer questions or provide a statement under oath. Garcia-Jacobo stated that his true and correct name is Jose Eugebio Garcia-Jacobo and that he a citizen of Mexico. Garcia-Jacobo stated that he entered the United States illegally, by walking through the desert, near Lukeville, Arizona.
6. For these reasons, this affiant submits that there is probable cause to believe that on or

about September 27, 2017, Jose Eugebio Garcia-Jacobo, an alien, was found in the United States of America at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about November 29, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony, and on or about September 27, 2017, at or near Casa Grande, in the District of Arizona, Jose Eugebio Garcia-Jacobo, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.



Albert A. Martinez  
United States Border Patrol Agent

Sworn to and subscribed before me  
this 28<sup>th</sup> day of September, 2017.



Michelle H. Burns  
United States Magistrate Judge